

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVEN A. WICKS, CAROLINE	:	CIVIL ACTION NO. 4:09-CV-1084
WICKS, WILLIAM BLAIR, and	:	
GEORGE BIDLESPACHER,	:	(Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
DUDLEY ANDERSON, KENNETH	:	
BROWN, LYCOMING COUNTY,	:	
KEVIN WAY, WILLIAM BURD and	:	
DANIEL MATHERS,	:	
Defendants	:	

ORDER

AND NOW, this 8th day of March, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge William T. Prince (Doc. 64), recommending that defendant Mathers' motion to dismiss (Doc. 57) be granted, and plaintiffs' amended complaint be dismissed, and, following an independent review of the record and noting that plaintiff Bidelspacher filed objections¹ to the report on February 11, 2011 (Doc. 65), and the court finding Judge Prince's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Prince's report (Doc. 64), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Prince (Doc. 64) are ADOPTED.
2. Defendant's motion to dismiss (Doc. 57) is GRANTED.
3. Plaintiffs' amended complaint (Doc. 32) is DISMISSED and further leave to amend is DENIED as futile.
5. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge